

# HOUSE BILL REPORT

## ESHB 1619

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**As Passed House:**  
February 10, 2022

**Title:** An act relating to appliance efficiency standards.

**Brief Description:** Concerning appliance efficiency standards.

**Sponsors:** House Committee on Environment & Energy (originally sponsored by Representatives Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley).

**Brief History:**

**Committee Activity:**

Environment & Energy: 1/11/22, 1/14/22 [DPS].

**Floor Activity:**

Passed House: 2/10/22, 56-39.

**Brief Summary of Engrossed Substitute Bill**

- Establishes new energy efficiency standards for air purifiers, commercial ovens, and electric vehicle supply equipment, beginning January 1, 2024.
- Updates the energy efficiency standards applicable to commercial hot food holding cabinets, beginning upon the Act's effective date, and portable electric spas and residential ventilating fans, beginning January 1, 2024.
- Eliminates state efficiency standards for uninterruptible power suppliers and pool pumps.

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### HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Minority Member; Berry, Fey, Harris-Talley, Ramel, Shewmake and Slatter.

**Minority Report:** Without recommendation. Signed by 4 members: Representatives Klicker, Assistant Ranking Minority Member; Abbarno, Boehnke and Goehner.

**Staff:** Jacob Lipson (786-7196).

**Background:**

Appliance Efficiency and Testing Standards.

Federal law generally allows states to establish minimum efficiency and testing standards for products that are not covered by federal appliance efficiency regulations. Once a federal efficiency standard is established for a given appliance, the federal standard will preempt existing state standards unless the state is granted a waiver of federal preemption.

Appliances for which federal efficiency and testing standards have been established include:

- commercial refrigeration and freezing equipment;
- wine chillers;
- automatic commercial ice cube machines;
- residential pool pumps (newly in effect as of July 19, 2021); and
- uninterruptible power supplies (newly in effect as of January 10, 2022).

Washington law sets minimum efficiency and testing standards for several categories of appliances sold, offered for sale, or installed in the state, including:

- commercial hot food holding cabinets;
- portable electric spas;
- residential ventilating fans;
- residential pool pumps; and
- uninterruptible power supplies.

The Department of Commerce (Commerce), in consultation with the Office of the Attorney General, must regularly submit a report to the Legislature on federal standards that preempt state standards. In December 2021, Commerce notified the Legislature that federal energy efficiency standards now preempt state standards for residential pool pumps and uninterruptible power supplies.

With respect to appliance efficiency standards, state law authorizes Commerce to:

- recommend updates to the state appliance efficiency and testing standards;
- recommend establishing state standards for additional non-federally covered appliances; or
- adopt by rule more recent versions of any state efficiency standard or test method, including any product definition associated with the standard or test method, in order to maintain or improve consistency with other comparable standards in other states.

For appliance efficiency standards applicable to electric storage water heaters, Commerce is authorized to establish a delayed effective date of restrictions or suspend enforcement if a delay or suspension is in the public interest.

The United States Environmental Protection Agency (EPA) implements an Energy Star program that allows producers of products that meet voluntary energy efficiency standards established for categories of products by the EPA to use an official Energy Star label.

The Washington Department of Agriculture administers a Weights and Measures Program which tests and inspects commercial weighing and measuring devices. Beginning in 2023, in a regulatory program overseen by the Department of Agriculture, electric vehicle service providers that operate certain types of publicly available electric vehicle supply equipment must meet certain equipment marking, cost disclosure, and other operational standards.

### **Summary of Engrossed Substitute Bill:**

#### Repeal of Preempted State Standards.

The state appliance efficiency and testing standards for the following products are repealed:

- uninterruptible power supplies; and
- residential pool pumps.

#### Amendments to Existing State Appliance Efficiency and Testing Standards.

Beginning January 1, 2024, residential ventilating fans must meet the qualification criteria of the EPA Energy Star specification for residential ventilating fans, version 4.1. The definition of residential ventilating fans subject to these requirements is amended, beginning January 1, 2024, in a manner similar to the residential ventilating fans that are subject to the EPA's Energy Star standard, except that kitchen range hoods are included within the EPA's Energy Star definition but are excluded from the new state energy efficiency standards.

Beginning January 1, 2024, portable electric spas must meet the requirements for energy efficiency specified in, and tested in accordance with, California regulations in effect as of January 1, 2022.

Beginning as of the Act's effective date, commercial hot food holding cabinets must meet the qualification criteria of the EPA Energy Star specification for commercial hot food holding cabinets, version 2.0.

#### New State Appliance Efficiency and Testing Standards.

Beginning January 1, 2024, new energy efficiency standards are established as follows:

- air purifiers other than industrial air purifiers must meet the qualification criteria of the EPA Energy Star specification for room air cleaners, version 2.0;
- commercial ovens included in the scope of the EPA Energy Star program requirements product specification for commercial ovens, version 2.2, must meet that standard; and

- other than for certain electric vehicle charging cords, electric vehicle supply equipment included in the scope of the EPA Energy Star program requirements product specification for electric vehicle supply equipment, version 1.0, must meet that standard.

These products, if manufactured on or after January 1, 2024, may not be sold, or offered for sale, lease, or rent in Washington unless they meet the specified energy efficiency standards.

Other.

For any existing or new appliance efficiency standards, Commerce may establish a delayed effective date of restrictions or suspend enforcement if a delay or suspension is in the public interest.

A severability clause is included.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for Section 2, related to the establishment of a new definition for residential ventilating fans subject to energy efficiency requirements, which takes effect January 1, 2024.

**Staff Summary of Public Testimony:**

(In support) Appliances can be significant users of electricity. Increasing the energy efficiency of appliances can have multiple environmental and economic benefits, including reduced greenhouse gas emissions, reduced water use, and reduced operating costs that save consumers money. Establishing a minimum standard for all appliances available for sale is a consumer protection measure that particularly protects renters by ensuring that landlords purchase energy-efficient equipment that will save their tenants money overall. Energy-efficient appliances are available at all price points for each type of appliance covered by the proposed new standards. State leadership in establishing energy efficiency standards has historically had the result of encouraging the federal government to also adopt higher energy efficiency standards. The standards for air purifiers also have the added benefit of ensuring effective smoke removal, in addition to dust removal. There should be a clarification of the types of publicly available electric vehicle supply equipment exempted from the new standard.

(Opposed) Kitchen range hoods should not be included in energy efficiency standards because almost all kitchen range hoods do not meet the energy star labeling standard. For certain categories of kitchen range hoods, no energy star compliant products are on the

market. Residential ventilating fans should be defined to clearly exclude kitchen range hoods. In some instances, voluntary energy star standards can be difficult for manufacturers to meet while still providing the necessary product functions and performance.

(Other) The EPA Energy Star program currently only recognizes a limited number of qualifying types of ovens, about half of which are natural gas ovens. Because of the uncertainty regarding the future of natural gas use in the state, the 2024 effective date for the new commercial oven standard might be too soon to ensure sufficient availability of compliant electric ovens for purchase by restaurants. Grocery stores want to ensure that installed appliances are energy efficient because ovens can contribute to high energy costs, but it is also important to ensure a sufficient number and type of appliances are available for purchase.

**Persons Testifying:** (In support) Representative Joe Fitzgibbon, prime sponsor; Martin Gibbins, League of Women Voters of Washington; Lauren Urbanek, Natural Resources Defense Council; Liz Reichart, Washington Department of Commerce; Jason Davidson, Pool and Hot Tub Alliance; Brian Fadie, Appliance Standards Awareness Project; Amy Wheelless, Northwest Energy Coalition; and Nick Engelfried.

(Opposed) Jacob Cassady, Association of Home Appliance Manufacturers.

(Other) Samantha Louderback, Washington Hospitality Association; and Carolyn Logue, Washington Food Industry Association.

**Persons Signed In To Testify But Not Testifying:** None.